

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BIG LOTS, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-11967 (JKS)

(Jointly Administered)

Related to Docket Nos. 1962 and 2013

**JOINDER OF RESPAWN TO PRESTIGE PATIO’S OPPOSITION TO DEBTOR’S
MOTION FOR ENTRY OF AN ORDER (I) SETTING A BAR DATE FOR FILING
PROOFS OF CLAIMS FOR PRE-CLOSING ADMINISTRATIVE EXPENSE CLAIMS
AGAINST THE DEBTORS, (II) ESTABLISHING PRE-CLOSING ADMINISTRATIVE
EXPENSE CLAIMS PROCEDURES, AND (III) GRANTING RELATED RELIEF,
INCLUDING NOTICE AND FILING PROCEDURES**

RESPAWN, LLC (“RESPAWN”), by and through its undersigned counsel, hereby responds to and joins in *Prestige Patio’s Opposition to Debtor’s Motion for Entry of an Order (I) Setting a Bar Date for Filing Proofs of Claims for Pre-Closing Administrative Expense Claims Against the Debtors, (II) Establishing Pre-Closing Administrative Expense Claims Procedures, and (III) Granting Related Relief, Including Notice and Filing Procedures* [Docket No. 2013] (the “*Prestige Objection*”), and respectfully states as follows:

1. RESPAWN is a manufacturer of gaming furniture and accessories. Upon request of the Debtors through submissions of orders post-petition, and in reliance upon the DIP

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores - PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores - CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors’ corporate headquarters is 4900 E. DublinGranville Road, Columbus, OH 43081.

Financing in place in these cases. RESPAWN provided the Debtors with gaming furniture and accessories (the “*Inventory*”) for resale by the Debtors in their retail stores.²

2. The Inventory provided to the Debtors post-petition by RESPAWN has either been sold during the course of these cases for the benefit of the estates, or was in the Debtors’ stores or warehouses to be sold at the time of the sale to Gordon Brothers, and were sold to Gordon Brothers, the proceeds of such sale also allegedly benefitting the estates.

3. RESPAWN has not been paid anything on account of the Inventory supplied to the Debtors at the Debtors’ request post-petition, despite representations that there was DIP funding available to pay post-petition administrative expenses. RESPAWN is owed \$182,520.00 on account of the post-petition Inventory delivered to the Debtors; and filed a *Motion for Allowance and Payment of Chapter 11 Administrative Expense Claim* [Docket No. 1577].

4. RESPAWN hereby joins in the Prestige Objection and incorporates the Prestige Objection as if fully set forth herein. Without limiting the foregoing, RESPAWN believes that the suggestion of a *pari passu* method of distribution of funds to administrative claimants suggested in the Prestige Objection threads the needle caused by the Debtors’ actions, inactions, and misrepresentations in these cases.

5. RESPAWN reserves all rights to amend, modify and/or supplement this Joinder.

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² RESPAWN also filed a proof of claim [Claim No. 1869 on the claims register] for \$18,252.00 for goods sold prior to the Petition Date.

WHEREFORE, RESPAWN respectfully requests that the Court grant the relief requested in the Prestige Objection, deny the relief requested by the Debtors insofar as it contradicts the relief requested by the Prestige Objection, and grant such other and further relief as is just and proper.

Respectfully Submitted,

Dated: February 19, 2025

GOLDSTEIN & MCCLINTOCK LLP

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